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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/648,111 08/25/00 HWANG

K 3430-0131P

EXAMINER

MM91/1016

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BROCK II, P.

ART UNIT

PAPER NUMBER

2815

DATE MAILED:

10/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/648,111

Applicant(s)

HWANG, KWANG-JO

Examiner

Paul E Brock II

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 15 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 1 filed 8/25/2000. In that paper, applicant has stated that the first plasma lowers the binding force in the uncovered portion of the metal layer, and this statement indicates that the invention is different from what is defined in the claim(s) because if the statement that “the first plasma is a non-reactive gas” was true than it would have no effect on the binding force in the uncovered portion of the metal layer. The first plasma must be a reactive gas either in a physical or chemical manner. While the gasses that make up the plasma can be non-reactive, the plasma itself cannot be “non-reactive” as this goes against what one of ordinary skill in the art would understand. A plasma, by definition, is either physically or chemically reactive, or both. This claim will be treated similar to claim 5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5 – 9, 11 – 13, 15, 16, 20 – 22, 24, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano et al. (USPAT 5771110, Hirano) in view of Chen (USPAT 6133145).

Hirano discloses in figures 1 – 16 a method of manufacturing a liquid crystal display device.

With regard to claim 1, Hirano discloses in figures 1 – 8 forming a switching element (2 – 7) on a substrate (1). Hirano discloses in figure 13 forming a passivation layer (14) over the substrate. Hirano discloses in figure 14 depositing a metal layer (16) on the passivation layer. Hirano discloses in column 12, lines 54 – 60 forming a photoresist pattern on the metal layer, such that a portion of the metal layer is exposed. Hirano discloses in figure 15 and column 12, lines 54 – 60 etching a portion of the metal layer to form a pixel electrode. Hirano does not teach treating the exposed portion of the metal layer with a first plasma, prior to etching. Chen teaches in figure 5 and column 4, lines 13 – 24 treating an exposed portion of a metal layer (10a) with a first plasma, prior to etching, using the photoresist as a mask, to inherently lower a binding force in the exposed portion. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the treating method of Chen in the method of Hirano in order to form a resilient layer on the surface of the resist pattern.

With regard to claim 2, Hirano discloses in column 11, line 63 wherein the switching element is a thin film transistor.

With regard to claim 5, Chen teaches in figure 5 and column 4, lines 13 – 24 using a non-reactive gas to inherently lower a binding force in the exposed portion.

With regard to claim 6, Chen discloses in figure 5 and column 4, lines 13 – 24 wherein the non-reactive gas includes N₂.

With regard to claim 7, Hirano discloses in column 12, lines 54 – 60 the step of etching the metal layer involves a dry-etching technique.

With regard to claim 8, Hirano discloses in column 12, lines 54 – 60 the step of etching the metal layer includes etching the metal layer with HBr plasma gas.

With regard to claim 9, Hirano discloses in column 12, lines 54 – 60 the step of etching the metal layer includes etching the metal layer with a composition of HBr plasma gas and Cl₂ plasma gas.

With regard to claim 11, Hirano discloses in column 12, lines 48 – 60 the metal layer is indium tin oxide (ITO).

With regard to claim 12, Hirano discloses in figure 14 depositing a metal layer (16) on a passivation layer (14) which partially covers a transistor (2 – 7). Hirano discloses in column 12, lines 48 – 60 forming a photoresist pattern on the metal layer, leaving a portion of the metal layer uncovered. Hirano discloses in column 12, lines 57 – 60 etching the uncovered portion of the metal layer with a second plasma to form a pixel electrode. Hirano does not teach exposing the uncovered portion of the metal layer to a first plasma, prior to etching. Chen teaches in figure 5 and column 4, lines 13 – 24 exposing an exposed portion of a metal layer (43) to a first plasma, prior to etching to inherently lower a binding force in the exposed portion. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the exposing method of Chen in the method of Hirano in order to form a resilient layer on the surface of the resist pattern.

With regard to claim 13, Chen discloses in figure 5 and column 4, lines 13 – 24 the first plasma is a reactive gas.

With regard to claim 15, Chen teaches in figure 5 and column 4, lines 13 – 24 using a non-reactive gas to inherently lower a binding force in the exposed portion.

With regard to claim 16, Chen discloses in figure 5 and column 4, lines 13 – 24 wherein the non-reactive gas includes N₂.

With regard to claim 20, Hirano discloses in column 12, lines 48 – 60 the metal layer is indium tin oxide (ITO).

With regard to claim 21, it is inherent that Hirano discloses removing the photoresist pattern from the pixel electrode.

With regard to claim 22, Hirano discloses in figure 14, depositing a metal layer (16) over a substrate (1). Hirano discloses in column 12, lines 54 – 60 forming a mask on the metal layer, leaving a portion of the metal layer uncovered. Hirano discloses in column 12, lines 57 – 60 etching the uncovered portion of the metal layer with a second plasma to form a metal pattern. Hirano does not teach exposing the uncovered portion of the metal layer to a first plasma, prior to etching. Chen teaches in figure 5 and column 4, lines 13 – 24 exposing an uncovered portion of a metal layer (43) to a first plasma, prior to etching, to inherently lower a binding force in the uncovered portion. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the exposing method of Chen in the method of Hirano in order to form a resilient layer on the surface of the resist pattern.

With regard to claim 24, Chen teaches in figure 5 and column 4, lines 13 – 24 wherein the first plasma includes N₂.

With regard to claim 28, Hirano discloses in column 12, lines 48 – 60 the metal layer is indium tin oxide (ITO).

With regard to claim 29, it is inherent in the method of Hirano that the metal pattern includes a pixel electrode of a display device.

5. Claims 10, 17 – 19, and 25 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano and Chen as applied to claims 1, 7, 12, and 22 respectively, above, and further in view of Ye et al. (USPAT 5968847, Ye).

With regard to claim 10, Hirano and Chen do not disclose the combination of HBr and CH₄ as plasma gasses. Ye teaches in column 12, lines 55 – 62 that a composition of HBr and CH₄ can be used for etching a metal layer. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the composition of HBr and CH₄ for etching a metal layer because both are well known etching gasses that are readily available in a production fabrication facility.

With regard to claims 17, 18, 25 and 26, Hirano discloses a second plasma gas that includes Cl₂. Hirano and Chen do not disclose that the second plasma gas includes an HBr plasma gas. Ye teaches in column 5, lines 15 – 20 a plasma that includes both HBr and Cl₂ for removing a metal layer. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the HBr plasma gas of Ye as an additional gas with Cl₂ in the second etch step of Hirano and Chen for etching a metal layer because it is a well known etching gas used for etching metals that is readily available in a production fabrication facility.

With regard to claims 19 and 27, Hirano discloses the use of Cl_2 for the second etching step. Hirano and Chen do not teach the use of HBr and CH_4 as etching gasses. Ye discloses in column 5, lines 15 – 20 the use of HBr and CH_4 in the same metal etch step that just Cl_2 is used in. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the combination of HBr and CH_4 of Ye as a substitute gas for Cl_2 of Hirano and Chen in the second etching step because both are widely available etching gasses that are often used to etch metals.

6. Claims 3, 4, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano and Chen as applied to claims 1, 12, 13, and 22, respectively, above, and further in view of Muraguchi et al. (JPPAT 361002368, Muraguchi).

With regard to claim 3, Hirano and Chen do not teach the step of treating the exposed portion of the metal layers includes using a reactive gas. Muraguchi teaches in the Constitution using a reactive gas in the step of treating an exposed portion of a metal layer to inherently lower a binding force in the exposed portion. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the reactive gas of Muraguchi in the method of Hirano and Chen in order to reduce oxygen atoms without resulting in crystal damage to the surface.

With regard to claims 4 and 14, Muraguchi discloses that the reactive gas is H_2 .

With regard to claim 23, for the same reasons as stated above with regard to claims 3, 4 and 14 it would have been obvious to use the H_2 plasma gas of Mohri in the first plasma of Hirano.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 8-23-01 have been fully considered but they are not persuasive. With regard to the 35 §112, second paragraph arguments.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "When using the non-reactive gas, such as the Ar or N₂ plasma gas") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 15 is directed toward a plasma that is a non-reactive gas. The support the applicant is using for his argument details a non-reactive gas that makes up a supply gas to create a plasma. The plasma itself cannot be a non-reactive gas.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagase discloses treating a surface after patterning and before etching.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

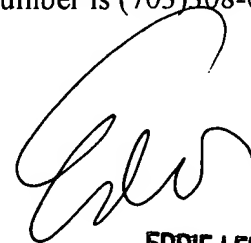
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E Brock II whose telephone number is (703)308-6236. The examiner can normally be reached on 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703)308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Paul E Brock II
October 11, 2001



EDDIE LEE
SUPERVISORY PATENT EXAMINER
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